

REMARKS

In the pending Office Action, the Examiner rejected independent claims 1 and 10, objected to dependent claims 2 – 9 and 11 – 18 for being dependent on a rejected base claim, and allowed claims 19 – 23. The applicants appreciate the indication that claims 2 – 9, 11 – 18, and 19 – 23 contain allowable subject matter.

As shown in the enclosed "Amendments to the Claims," the applicants amended independent claims 1 and 10 to claim that the assigned spreading code is selected from a preferred group of spreading codes or from a non-preferred group of spreading codes based on a user's mobility. Because the newly added limitations are derived from allowable claims 3 and 5, and because the examiner previously indicated that the prior art does not teach this limitation (see, e.g., pg. 4 of the Office Action mailed 6 August 2004), the applicants submit that claims 1 – 23 are patentably distinct from the cited art. As such, the applicants request that the examiner reconsider the rejections and allow the application to move forward to allowance.

If any issues remain unresolved, the applicants request that the examiner call the undersigned so that any such issues may be expeditiously addressed.

Respectfully submitted,

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